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### BEFORE THE ARKANSAS SECURITIES COMMISSIONER

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**CASE NO. S-10-0041** 

ARKANSAS SECURITIES DEPT.

IN THE MATTER OF:

ORDER NO. S-10-0041-10-OR01

TRUMARX DATA PARTNERS, INC.

RESPONDENT

## **CONSENT ORDER**

This Consent Order is entered pursuant to the Arkansas Securities Act, codified at Ark. Code Ann. §§ 23-42-101 through 23-42-509 ("Act"), the Rules of the Arkansas Securities Commissioner ("Rules") promulgated under the Act and the Arkansas Administrative Procedures Act, codified at Ark. Code Ann. §§ 25-16-201 through 25-16-219 in accordance with an agreement by and between the Staff of the Arkansas Securities Department ("Staff") and Trumarx Data Partners, Inc. ("Trumarx"), in full and final settlement of all claims that could be brought against Trumarx by the Staff on the basis of the facts set forth herein.

Trumarx admits the jurisdiction of the Act and the Arkansas Securities

Commissioner ("Commissioner"), waives its right to a formal hearing and consents to the entry of this order and agrees to abide by its terms.

## **FINDINGS OF FACT**

### LATE NOTICE FILING

- 1. On or about February 6, 2009, agents or employees of made sales of securities in the Trumarx offering to at least one Arkansas resident.
- 2. On or about October 12, 2009, Trumarx filed a Notice of Sale of Securities on United States Securities and Exchange Commission ("SEC") Form D with the Arkansas

Securities Department ("Department"). As part of this notice filing the Department received a \$100.00 filing fee from Trumarx.

3. In violation of Ark. Code Ann. § 23-42-509(c)(1) and Rule 509.01(B)(2) of the Rules of the Arkansas Securities Commissioner, Trumarx failed to file a Notice of Sale of Securities on SEC Form D with the Department concerning the sale of securities in Arkansas within the required fifteen days.

#### APPLICABLE LAW

4. Any security that is a covered security under Section 18(b)(4)(D) of the Securities Act of 1933, the Commissioner, by rule or order, may require the issuer to file a notice on SEC Form D and a consent to service of process signed by the issuer no later than fifteen days after the first sale of such covered security in this state. Ark. Code Ann. §23-42-509(c)(1) and Rule 509.01(B)(2)

#### **CONCLUSIONS OF LAW**

5. The Notice of Sale of Securities on SEC Form D made by Trumarx approximately eight months after the sale of securities in the Trumarx offering to an Arkansas resident as detailed in paragraphs 1-3 was a violation of Ark. Code Ann. § 23-42-509(c)(1) and Rule 509.01(B)(2) of the Rules of the Arkansas Securities Commissioner.

### **UNDERTAKING**

In settlement of this matter, Trumarx agrees to pay a fine in the amount of \$500.00.

# **ORDER**

IT IS THEREFORE ORDERED that Trumarx pay a fine in the amount of \$500.00.

A. Heath Abshure

Arkansas Securities Commissioner

Trumarx Data Partners, Inc.

Alexandra N. Stephens

Staff Attorney